

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

|                            |              |
|----------------------------|--------------|
| Date of Incident:          | May 9, 2015  |
| Time of Incident:          | 10:10 A.M.   |
| Location of Incident:      | [REDACTED]   |
| Date of COPA Notification: | May 31, 2016 |
| Time of COPA Notification: | 9:58 A.M.    |

On May 9, 2015, Officers [REDACTED] and [REDACTED] drove to Saveway Supermarket, located at [REDACTED] Street, to conduct a license check. As Officers [REDACTED] and [REDACTED] approached the store, [REDACTED] entered the store, grabbed a black bag and attempted to leave. Officer [REDACTED] entered the store; placed her hands on [REDACTED], [REDACTED] then threw the bag, containing unknown objects, out of the door and onto the sidewalk. Officer [REDACTED] and an unidentified male reached for the black bag. Officer [REDACTED] displayed her weapon and the unidentified male left the scene.

While inside the store, Officer [REDACTED] grabbed [REDACTED] and [REDACTED] pulled away from Officer [REDACTED]. Officer [REDACTED] and [REDACTED] fell to the floor. Officer [REDACTED] started to place [REDACTED]'s hands behind his back and handcuffed him. Officer [REDACTED] entered the store and placed her foot on [REDACTED]'s back/neck area while pointing her firearm at the back of [REDACTED]'s head. [REDACTED] was handcuffed and detained as Officers [REDACTED] and [REDACTED] searched the store. COPA finds that Officer [REDACTED]'s actions violated CPD policy.

**II. INVOLVED PARTIES**

|                         |  |
|-------------------------|--|
| Involved Officer #1:    | [REDACTED], # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2011; P.O.; Unit [REDACTED]/[REDACTED]; DOB: [REDACTED], 1978; F/H |
| Involved Officer #2:    | [REDACTED], # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2011; P.O.; Unit [REDACTED]/[REDACTED]; DOB: [REDACTED], 1970; F/H |
| Involved Individual #1: | [REDACTED]; DOB: [REDACTED], 1992; M/B   |

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

### III. ALLEGATIONS

| Officer                          | Allegation  | Finding / Recommendation   |
|----------------------------------|---|--|
| Officer [REDACTED]               | 1. Displayed her weapon without justification.<br>2. Used excessive force without justification when she performed an emergency takedown on [REDACTED].<br>3. Used excessive force without justification when she placed her foot on [REDACTED]'s back/neck area.<br>4. Failed to complete a Tactical Response Report regarding her contact with [REDACTED].<br>5. Detained [REDACTED] without justification. | <b>Sustained</b><br><b>Unfounded</b><br><b>Sustained</b><br><b>Sustained</b><br><b>Unfounded</b>         |
| Officer [REDACTED]<br>[REDACTED] | 1. Displayed her weapon without justification.<br>2. Used excessive force without justification when she performed an emergency takedown of [REDACTED].<br>3. Used excessive force without justification when she placed her foot on [REDACTED]'s back/neck area.<br>4. Failed to complete a Tactical Response Report regarding her contact with [REDACTED]<br>5. Detained [REDACTED] without justification.  | <b>Unfounded</b><br><b>Not Sustained</b><br><b>Unfounded</b><br><b>Not Sustained</b><br><b>Unfounded</b> |

### IV. APPLICABLE RULES AND LAWS

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#### Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Disobedience of an order or directive, whether written or oral.

3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
  4. Rule 38: Unlawful or unnecessary use or display of a weapon
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#### General Orders

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1. General Order 03-02-05; Incidents Requiring the Completion of a Tactical Response Report
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#### Federal Laws

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1. 4<sup>th</sup> Amendment

## V. INVESTIGATION

### a. Interviews

Several attempts were made to obtain a statement from [REDACTED]. After several unsuccessful results and review of video footage from a camera located inside Saveway Supermarket, COPA obtained an affidavit override from the Chicago Police Bureau of Internal Affairs.<sup>2</sup>

Several attempts were made via telephone and US Postal Mail to obtain a statement from possible witness, [REDACTED], with negative results. As of the date of this report [REDACTED] had not responded to COPA.<sup>3</sup>

In her interview with COPA on April 18, 2018, Officer [REDACTED] stated that she was assigned to Beat [REDACTED] along with Officer [REDACTED]. Officer [REDACTED] and Officer [REDACTED] were in civilian dress during their tour of duty. Officer [REDACTED] stated that she and Officer [REDACTED] were conducting license premise checks in the vicinity of the location of the incident. Officer [REDACTED] related that she was the driver of the assigned unmarked vehicle.

Officer [REDACTED] stated that when she drove up to the location of the incident she observed a black male, now known as [REDACTED], look in her direction and run inside Saveway Supermarket. Officer [REDACTED] related that Officer [REDACTED] exited the vehicle and walked towards the entry door of Saveway Supermarket. As Officer [REDACTED] was walking inside the doorway, [REDACTED] threw a black bag outside on the ground. Officer [REDACTED] stated that as she attempted to retrieve the black bag, an unidentified male reached for the black bag. Officer [REDACTED] related that she unholstered her weapon and directed the unidentified male to step away from the bag.

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<sup>2</sup> Attachments 10 – 12, 15 – 17, 28, 29, Case log

<sup>3</sup> Attachment 18, case log

Officer [REDACTED] related that she entered Saveway Supermarket with her weapon in one hand and the black bag in the other. Officer [REDACTED] observed Officer [REDACTED] on the floor attempting to place [REDACTED]'s hands behind his back. Officer [REDACTED] stated that when Officer [REDACTED] asked her for her handcuffs, she threw the black bag on the floor, placed her foot on [REDACTED]'s back and gave Officer [REDACTED] her handcuffs. Officer [REDACTED] related that after Officer [REDACTED] handcuffed [REDACTED], Officer [REDACTED] searched [REDACTED]. Officer [REDACTED] stated that a search of the black bag revealed several cartons of unstamped cigarettes.

Officer [REDACTED] stated that she displayed her weapon because she was in fear of her safety. Officer [REDACTED] explained that when she attempted to pick up the black bag that contained unknown items, an unidentified male reached for the same bag. Officer [REDACTED] denied conducting an emergency takedown of [REDACTED]. Officer [REDACTED] contended that when she entered the Saveway Supermarket, [REDACTED] was on the floor and Officer [REDACTED] was on top of [REDACTED].

Officer [REDACTED] stated that she placed her foot on [REDACTED]'s back/neck area as a control tactic to keep [REDACTED] from moving around. Officer [REDACTED] related that she did not complete a Tactical Response Report regarding her contact with [REDACTED] as she did not believe that it was necessary. Officer [REDACTED] contended that [REDACTED] was detained because of his actions. Officer [REDACTED] explained that when [REDACTED] made eye contact with her and Officer [REDACTED], he fled inside Saveway Supermarket. [REDACTED] then threw a black bag, containing unknown objects, outside of Saveway Supermarket onto the ground. Officer [REDACTED] stated that she believed that the bag possibly contained narcotics or guns. [REDACTED] stated that [REDACTED] was detained so that an investigation could be conducted. Officer [REDACTED] continued that [REDACTED] was handcuffed for her safety, Officer [REDACTED]'s safety and [REDACTED]'s safety.

Officer [REDACTED] denied observing Officer [REDACTED] commit any of the acts alleged against her.<sup>4</sup>

In her statement with COPA on April 19, 2018, Officer [REDACTED] stated that she was assigned to work with Officer [REDACTED] to conduct business license checks in the vicinity of Saveway Supermarket. Officer [REDACTED] stated that as she and Officer [REDACTED] approached the location of the incident she observed three individuals standing outside of Saveway Supermarket. Officer [REDACTED] continued that one of the individuals, now known as [REDACTED], made eye contact with her and ran inside the store. Officer [REDACTED] stated that she exited the unmarked vehicle and ran inside the store.

Officer [REDACTED] related that as she entered the store, [REDACTED] threw a black bag out of the door. Officer [REDACTED] stated that she thought that the bag contained narcotics and/or a weapon. Officer [REDACTED] related that she put her hand up to stop [REDACTED] from leaving the store. Officer [REDACTED] placed her hands on [REDACTED]'s body to detain him and [REDACTED] pulled away. Officer [REDACTED] stated that as she attempted to grab [REDACTED] she lost her balance. Officer [REDACTED] and [REDACTED] fell to the floor. Officer [REDACTED] related that she fell on top of [REDACTED]'s back.

Officer [REDACTED] stated that when Officer [REDACTED] entered the store she asked Officer [REDACTED] for her handcuffs. Officer [REDACTED] related that she handcuffed [REDACTED], conducted a pat down of [REDACTED]'s person and noticed that there was a second individual, now known as [REDACTED], inside the store. Officer [REDACTED] stated that she and Officer [REDACTED] directed

<sup>4</sup> Attachments 37, 38

████████ to step back. Officer █████ stated that she opened the black bag and observed cartons of unstamped cigarettes.

Officer █████ denied conducting an emergency takedown of █████. Officer █████ explained that as she grabbed █████ she lost her balance and they both fell to the floor. Officer █████ stated that she did not fail to complete a Tactical Response Report (TRR) because her contact with █████ did not require completion of a TRR. Officer █████ stated that she did not observe Officer █████ place her foot on █████'s back/neck area. Officer █████ related that if Officer █████ had placed her foot on █████'s body, it would have been to control █████.

Officer █████ stated that she observed Officer █████ with her weapon in her left hand, pointed downward in the direction of her and █████. Officer █████ also stated that Officer █████ may have entered the store with her weapon displayed because she was in fear of the officers' safety in that she did not know what was occurring inside the store. Officer █████ stated that she did not observe any injuries to █████ and █████ did not complain of sustaining any injuries. Officer █████ explained that █████ was detained because of his initial reactions when he looked in the officers' direction and ran inside the store. Officer █████ added that █████ also threw a black bag containing unknown objects outside of the store as she entered the store, making it appear as though he had committed a crime.

Officer █████ denied committing the acts alleged against her. Officer █████ denied observing Officer █████ commit the acts alleged against her.<sup>5</sup>

#### b. Digital Evidence

On August 17, 2017, the R/I obtained a copy of the video footage from Saveway Supermarket regarding the incident involving █████. The beginning of the video is timestamped for Saturday, May 9, 2015, at 09:03:59 a.m. At 09:05:03, a male black, now known as █████, enters the Saveway Supermarket while looking behind him. █████ walks towards the rear of the store and out of camera view. An unmarked vehicle drives up at the same time. At 09:05:10, a female white plainclothes officer, now known as Officer █████, walks towards the entry door of Saveway Supermarket. Upon entry, Officer █████ encounters █████ who is carrying a black bag in his right hand. Officer █████ grabs █████'s left arm and █████ throws the black bag out of the open entry door. A second unidentified male attempts to pick the bag up from the ground. Officer █████ picks the bag up with her right hand and points her weapon in the direction of the unidentified male (who then flees) with her left hand.

After █████ throws the bag he attempts to run towards the rear of the store. Officer █████ grabs █████ and forces him to the ground. Officer █████ enters the store with her gun in her left hand and the bag in her right hand. Officer █████ is seen straddling █████ and █████ does not appear to be moving at this point. Officer █████ places her foot on █████'s neck/back of the head area while holding her gun in her left hand and pointed downward while █████ is on the ground. The handcuffs are removed from █████'s wrist at 9:58:16 a.m.<sup>6</sup>

<sup>5</sup> Attachment 42

<sup>6</sup> Attachment 20, 21

**c. Documentary Evidence**

According to the Case Report (████████), on May 9, 2015, Officers ██████████ and ██████████ were conducting a license check at ██████████ Street (Saveway Supermarket) when they observed an unknown male attempting to run out of the store with a black bag. When they approached the doorway, an unknown male, now known as ██████████, threw a black bag outside onto the sidewalk and attempted to flee towards the rear of the store. Officer ██████████ immediately retrieved the black bag and Officer ██████████ detained ██████████.

Officer ██████████ opened the black bag and discovered three (3) unopened cartons and a partially opened carton containing four (4) boxes of Newport cigarettes without City of Chicago tax stamps on the boxes. A protective pat down of ██████████ was conducted and no other contraband cigarettes were found. Further investigation behind the counter revealed several thousand packages of clear Ziploc baggies under two inches in height and width, known to reporting officers to be packaging used for the sale and distribution of narcotics. Officers ██████████ and ██████████ spoke with ██████████ who provided a valid business license for Saveway Supermarket. Citations were issued regarding the cigarette cartons, Ziploc baggies and expired meat products.<sup>7</sup>

**d. Additional Evidence**

████████ filed a complaint, docketed as Civil Suit ██████████ (████████ v. City of Chicago, *et al.*), in which ██████████ alleged that he was lawfully on the premises of ██████████ rd Street (Saveway Supermarket) when Officers ██████████ and ██████████ entered Saveway Supermarket and committed assault and battery upon ██████████. ██████████ alleged that Officers ██████████ and ██████████ violently threw him to the ground and stepped on his head and neck. ██████████ also alleged that Officers ██████████ and ██████████ handcuffed ██████████ for a long period of time without probable or reasonable cause.<sup>8</sup>

According to the Interrogatories of ██████████ under Civil Suit ██████████, ██████████ did not claim to have sustained any physical injuries as a result of this incident.<sup>9</sup>

The Interrogatories of Officers ██████████ and ██████████ did not offer any relevant information regarding the incident.<sup>10</sup> The City and ██████████ ultimately settled ██████████'s case.<sup>11</sup>

**VI. LEGAL STANDARD**

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

<sup>7</sup> Attachments 4, 5, 25 – 27

<sup>8</sup> Attachment 6

<sup>9</sup> Attachment 22

<sup>10</sup> Attachment 23, 24

<sup>11</sup> Attachment 14

2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

**A preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

## VII. ANALYSIS

COPA finds **Allegation #1** that Officer █ displayed her weapon without justification, **Sustained**. While she was initially justified in displaying the weapon, her continued display, including pointing it at █'s head while he was laying face down with her foot on the back of his head/neck, was excessive and unjustified.<sup>12</sup>

On the video footage obtained from Saveway Supermarket, it appears that as Officer █ attempted to grab the black bag that █ threw on the ground an unidentified male attempted to reach for the same. Officer █ stated that she suspected that the black bag may have contained a weapon or narcotics. Officer █ also stated that she did not know whether the unidentified male was armed with a weapon. It appears that Officer █'s weapon was utilized as a tool to de-escalate the situation as the display of the weapon encouraged the unidentified individual to move away from Officer █ and the black bag. (Officer's presence did not appear to be enough as the unidentified male reached for the bag) See, e.g., *Williams v. City of Champaign*, 524 F.3d 826, 828-29 (7th Cir. 2008) (finding that officers were justified to approach suspects of a possible armed robbery with firearms displayed and pointed until they could determine that suspects were not dangerous).

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<sup>12</sup> The Chicago Police Department now has a Department Notice, D19-01, governing when a department member may point their firearm at a person, and how they must document that pointing; however, at the time of this incident the Notice had not yet been introduced or put into effect.

The video footage also depicts that when Officer █ entered the supermarket she had her weapon in her hand and pointed downward in the direction of Officer █ and █. Officer █ stated that she displayed her weapon because she was in fear of her safety and Officer █'s safety. Officer █ related that she did not know if there were any weapons inside the supermarket or in █'s possession. While █ had given no indication at this point to suggest that he was armed, the Officers were permitted to have their weapons drawn as they assessed the potential danger in an unexpected situation. *See, id.*

Even though Officer █ was justified in displaying her weapon at the outset, her continued display of the weapon and pointing it at █ was unjustified and excessive. As seen on the surveillance video, Officer █ continued to display her weapon, including pointing it at, or at least in the direction of, █'s head, even after he was handcuffed and laying on his stomach. Once she and Officer █ and had subdued █ and taken the bag from him, he was no longer a danger. At this point, it was unnecessary for Officer █ to display her weapon, as █ did not pose a threat to Officer █ or Officer █. See *Baird v. Renbarger*, 576 F.3d 340, 345 (7th Cir. 2009) ("gun pointing when an individual presents no danger is unreasonable and violates the Fourth Amendment"). Based on the available evidence, Officer █ displayed her weapon without justification.

COPA makes a finding of **Unfounded** for **Allegation #2** that Officer █ used excessive force without justification when she performed an emergency takedown of █. The video footage shows that Officer █ did not perform an emergency takedown of █.

COPA makes a finding of **Sustained** for **Allegation #3** that Officer █ used excessive force when she placed her foot on █'s back/neck area. The video footage depicts █ laying on his stomach on the floor with Officer █ straddling his back, prior to Officer █ making any contact with him. Officer █ entered the supermarket and handed Officer █ a pair of handcuffs which she placed on █'s left hand without struggle. Officer █ then placed her foot on █'s neck/back of the head area while holding her gun in her left hand, pointed downward in what appears to be at █'s head, while █ was on the ground. █ did not appear to be moving when Officer █ did this. Officer █ claimed that she placed her foot on █'s back as a control tactic, however, the video appears to show that her foot was on the back of his neck and head, not merely his back.

Although █ did not sustain any visible injuries, Officer █'s actions were reckless and excessive. An officer's level of force used as a response to a subject must be appropriate based on the subject's level of aggression. The directives of the Chicago Police Department define a subject's level of aggression in several categories ranging from cooperative subject, to a passive and active resister and finally an assailant. The first step in the analysis is determining the subject's level of aggression based on their actions and the totality of the circumstances.

The officers describe █'s actions as an active resistor. Officer █ said that █ did not fight with her and merely pulled away when she tried to grab him before they fell to the floor. Importantly, at the time Officer █ first encountered █, he was no longer an active resistor. When Officer █ entered, █ was laying on the floor with Officer █ on his back in control of his left hand. █ appears cooperative to the cuffing. The only force

option available for a cooperative subject is “police presence”, placing her foot on his neck was obviously well beyond mere presence. Placing her foot on his head would not even be permitted with an active resister, since CPD has recognized in other cases that an officer’s use of his or her feet to control a subject’s head and shoulders is not a control tactic taught by CPD or authorized by General Order 03-02-02.<sup>13</sup> Based on the available evidence Officer [REDACTED] used excessive force when she placed her foot on [REDACTED]’s upper back/neck area.

COPA makes a finding of **Sustained** for **Allegation #4** that Officer [REDACTED] failed to complete a TRR regarding her contact with [REDACTED]. According to General Order 03-02-05, Section II, 2, b, a Tactical Response Report will not be completed if the member’s actions did not extend beyond verbal commands and/or control holds utilized in conjunction with handcuffing and searching techniques which do not result in injury or allegation of injury. In her statement to COPA, [REDACTED] claimed that she placed her foot on [REDACTED]’s back/neck area as a control hold technique. Placing a foot on a person’s neck area is not a control technique utilized for handcuffing. Moreover, the application of the foot happens after one of [REDACTED] hands was handcuffed and [REDACTED] was not struggling. Additionally, despite the lack of injury, Officer [REDACTED]’s actions require a TRR. Based on the available evidence Officer [REDACTED] failed to complete a TRR regarding her contact with [REDACTED] because her contact went beyond a mere control technique.

COPA makes a finding of **Exonerated** for **Allegation #5** that Officer [REDACTED] detained [REDACTED] without justification. An officer “may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to Reasonable Articulable Suspicion that criminal activity is afoot. The sole purpose of the temporary detention is to prove or disprove those suspicions.” A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.,” including traffic law. *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)). According to Officer [REDACTED], [REDACTED] made eye contact with the officers, ran into the store, and then attempted to flee with the backpack including attempting to tossing it to his friend. In totality, [REDACTED]’s conduct created a reasonable suspicion that he was engaged in illegal activity, and the officers were justified in detaining him. Moreover, once they found the cigarettes in the bag<sup>14</sup>, they had probable cause to detain him for offenses related to the untaxed cigarettes. Therefore, the detention of [REDACTED] was justified under CPD Policy.

COPA makes a finding of **Unfounded** for **Allegation #1** that Officer [REDACTED] displayed her weapon without justification. The video footage depicts Officer [REDACTED], not Officer [REDACTED], displaying her weapon. Therefore, this allegation is unfounded.

COPA makes a finding of **Not Sustained** for **Allegation #2** that Officer [REDACTED] used excessive force without justification when she performed an emergency takedown of [REDACTED]. The video footage depicts Officer [REDACTED] grabbing hold of [REDACTED]’s arm and [REDACTED] continuing to pull away from Officer [REDACTED]. At some point the view of the contact between Officer [REDACTED]

<sup>13</sup> See e.g. 1076214.

<sup>14</sup> COPA determined that recovery of the bag and its contents were justified because [REDACTED] abandoned the property when he threw the bag onto the street and therefore terminated his property right in the property. See *People v. Sutherland*, 223 Ill2d. 187 (2006)

and [REDACTED] is obstructed by a stand filled with bags of potato chips. Moments later [REDACTED]'s hands are extended as he falls onto the floor and Officer [REDACTED] is seen straddling [REDACTED]. It is not clear how [REDACTED] and Officer [REDACTED] ended up on the floor. In her statement to COPA, Officer [REDACTED] denied performing an emergency takedown of [REDACTED]. The available evidence does not prove or disprove whether Officer [REDACTED] performed an emergency takedown of [REDACTED].

COPA makes a finding of **Unfounded** for **Allegation #3** that Officer [REDACTED] used excessive force when she placed her foot on [REDACTED]'s back/neck area. Based on the video footage Officer [REDACTED] did not place her foot on [REDACTED]'s back/neck area.

COPA makes a finding of **Not Sustained** for **Allegation #4** that Officer [REDACTED] failed to complete a TRR regarding her contact with [REDACTED]. In her statement to COPA, Officer [REDACTED] denied performing an emergency takedown of [REDACTED]. Officer [REDACTED] explained that she and [REDACTED] fell to the ground after she lost her balance while attempting to detain [REDACTED]. Based on the available evidence, COPA cannot determine if an emergency takedown occurred therefore COPA cannot determine if a TRR was necessary.

COPA makes a finding of **Exonerated** for **Allegation #5** that Officer [REDACTED] detained [REDACTED] without justification. For the reasons explained in Allegation #5 for Officer [REDACTED] above, COPA recommends a finding of exonerated.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS<sup>15</sup>

### e. Officer [REDACTED]

#### i. Complimentary and Disciplinary History

Officer [REDACTED] has one (1) department commendation, one (1) recognition from an outside agency, seventeen (17) honorable mentions, one (1) complimentary letter, and one (1) unit meritorious award.

#### ii. Recommended Penalty, by Allegation

##### 1. Allegation No. 1,3,4

Officer [REDACTED] entered the store with her gun drawn, pointed it in the direction of [REDACTED] while Officer [REDACTED] was straddling [REDACTED] who was laying prone on his stomach. Officer [REDACTED] posed a threat to both [REDACTED] and her partner at that time. Rather than holster the gun to be able to properly assist her partner, she placed her foot on [REDACTED]'s back, neck and head area then pointed the gun directly at [REDACTED]'s head. Based on the nature of the offense COPA recommends a 10-day suspension for Allegations 1 and 3.

Additionally, she failed to document her use of force in a TRR. While the nature of this offense may not seem severe on its face, the lack of documentation is detrimental to community

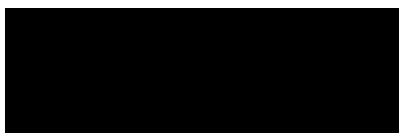
perception and is contrary to the department's goals. COPA recommends a 3 days suspension for Allegation 4.

## IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

| Officer                          | Allegation  | Finding / Recommendation  |
|----------------------------------|---|---|
| Officer [REDACTED]<br>[REDACTED] | <ul style="list-style-type: none"> <li>1. Displayed her weapon without justification.</li> <li>2. Used excessive force without justification when she performed an emergency takedown on [REDACTED].</li> <li>3. Used excessive force without justification when she placed her foot on [REDACTED]'s back/neck area.</li> <li>4. Failed to complete a Tactical Response Report regarding her contact with [REDACTED].</li> <li>5. Detained [REDACTED] without justification.</li> </ul> | <b>Sustained/10 day Suspension</b><br><b>Unfounded</b><br><b>Sustained/10 day Suspension</b><br><b>Sustained/3 day Suspension</b><br><b>Unfounded</b> |
| Officer [REDACTED]<br>[REDACTED] | <ul style="list-style-type: none"> <li>1. Displayed her weapon without justification.</li> <li>2. Used excessive force without justification when she performed an emergency takedown on [REDACTED].</li> <li>3. Used excessive force without justification when she placed her foot on [REDACTED]'s back/neck area.</li> <li>4. Failed to complete a Tactical Response Report regarding her contact with [REDACTED].</li> <li>5. Detained [REDACTED] without justification.</li> </ul> | <b>Unfounded</b><br><b>Not Sustained</b><br><b>Unfounded</b><br><b>Not Sustained</b><br><b>Unfounded</b>  |

Approved:



July 29, 2019

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Andrea Kersten  
Deputy Chief Administrator – Chief Investigator

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Date

Appendix A

Assigned Investigative Staff

|                                    |                |
|------------------------------------|----------------|
| <b>Squad#:</b>                     | [REDACTED]     |
| <b>Investigator:</b>               | [REDACTED]     |
| <b>Supervising Investigator:</b>   | [REDACTED]     |
| <b>Deputy Chief Administrator:</b> | Andrea Kersten |